

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID JENSEN, and KIMBERLY JENSEN,

Plaintiffs,

vs.

TAYLOR COMPANY, MIDDLEBY  
CORPORATION, RSM ACQUISITION,  
LLC, TRI-CITY FOODS, and WARING  
COMMERCIAL,

Defendants.

**4:20CV3113**

**ORDER**

After review of the docket, IT IS ORDERED:

- 1) The motion to dismiss at Filing No. 31 is denied as moot.
- 2) The motion to dismiss at Filing No. 33 is construed as a Notice of Dismissal pursuant to Fed. R. Civ. P. 41 (a)(1), is self-executing, and the Clerk shall terminate Waring Commercial as a party to this action (without prejudice).
- 3) The Clerk shall strike the court's order at Filing No. 34. As the court has construed the motion at Filing No. 33 as a Rule 41(a) Notice, an early consent deadline is unnecessary. Consent to disposition by magistrate judge may be made, if at all, during the normal course of progression of this matter and in accordance with the court's local rules and Civil Case Management Practices.

Dated this 13th day of January, 2021.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge